

FEB 22 2005

I hereby certify that the attached correspondence is being transmitted via facsimile addressed to Commissioner for Patents, PO BOX 1450, Alexandria, VA 22313-1450, on the date shown below to facsimile number 1-703-872-9306.

Michael F. Morgan
Michael F. Morgan

22 February 2005
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Docket No.: B-33152A/GER

Hoke V. BULLARD et al.

APPLICATION NO: 10/644,329

Examiner: Hwei Siu Chou Payer

FILED: August 20, 2003

Group Art Unit: 3724

FOR: Feeding Implement

MS: Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL SHEET

Enclosed are:

This Transmittal Page in duplicate
Response to Office Action

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CONDITIONAL PETITION FOR EXTENSION OF TIME

Applicant believes that no extension of time is required. This conditional petition of time is being made, however, to provide for the possibility that applicants have inadvertently overlooked the need for a petition for extension of time. In this event, please charge Deposit Account 19-0134 the necessary extension of time fees. This document is submitted in duplicate.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Director - U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account 19-0134 any fees necessary for entry of any of the above listed documents. This document is submitted in duplicate.

Novartis
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Respectfully submitted,

Michael F. Morgan
Michael F. Morgan
Attorney for Applicant
Reg. No. 42,906
Date: 22 February 2005

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RESPONSE TO OFFICE ACTION

In response to the Office Action mailed on January 5, 2005, Applicants respond through their attorney as follows.

REMARKS

The claims pending in the subject application are 10-15. Reconsideration of this application based on the Remarks presented herein is respectfully requested.

35 U.S.C. §102 REJECTIONS

Claims 10-15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,711,759 to Smith et al. It was alleged that Figures 1-3 of Smith '759 showed all of the limitations of the claims.

In claim 10 d), the transport has at least two substantially flat surfaces, and each substantially flat surface has a plurality of grooves located thereon. In Figures 1-3 of Smith '759, the head member (8) is a curved structure. There is no disclosure that head member (8) in Figures 1-3 or in the specification has the structure that is recited in claim 10 d). Because there is no disclosure of the structure of claim 10 d) in Smith '759, it is respectfully submitted that claims 10-15 are not anticipated by U.S. Patent No. 5,711,759 to Smith et al.

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Claims 10 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,711,759 to Smith et al. It was alleged that Figure 11 of Smith '759 showed all of the limitations of the claims.

In Figure 11 of Smith '759, the article shown by the figure is in cross-section. From the Brief Description of Drawings at column 3, lines 48-50, Figure 11 was intended to be a perspective view. Figure 11, however, is presented as a cross-sectional view as evidenced by the cross-hatching marks and the illustration of the internal liquid flow system. A cross-sectional view only shows what a plane passing through the structure would look like at that specific location. There is no disclosure in Figure 11 as to the overall structure of the head member. An infinite number of structures are possible on either side of the cross-sectional plane. The actual structure of the head member in Figure 11 is therefore indefinite, and it does not disclose the structure of claim 10 d). Therefore, it is respectfully submitted that claims 10 and 15 are not anticipated by U.S. Patent No. 5,711,759 to Smith et al.

In view of the remarks contained above, Applicants respectfully request reconsideration of the application, withdrawal of the 35 USC §102 rejections, and request that a Formal Notice of Allowance be issued for claims 10-15. Should the Examiner have any questions about the above remarks, the undersigned attorney would welcome a telephone call.

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